

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6833
BILL NUMBER: SB 321

NOTE PREPARED: Jan 4, 2004
BILL AMENDED:

SUBJECT: Child Sexual Abuse Statute of Limitations.

FIRST AUTHOR: Sen. Gard
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill eliminates the statute of limitations for civil and criminal actions involving the sexual abuse of a child.

Effective Date: July 1, 2004.

Explanation of State Expenditures: This bill amends current statute to allow prosecution of individuals for (a) child molesting, (b) vicarious sexual gratification, (c) child solicitation, (d) child seduction, and (e) incest, at any time. Current statute requires that prosecution be commenced by the time the victim reaches age 31. This bill also extends the period within which a prosecution for child molesting may be commenced (where a person who is at least 16 years of age allegedly commits the offense against a child who is not more than two years younger than the older person) from 5 years after the commission of the offense to any time.

If additional convictions occur due to these new prosecutions, more offenders may be incarcerated. The average expenditure to house an adult offender was \$26,825 in FY 2002.

Any increase in expenditures for the state are dependent on action at the local level.

If biological evidence of a crime is available, the Indiana State Police Crime Laboratory may be asked to analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists from the State Police Lab could also testify in court concerning the validity of the DNA analyses that they perform.

Background Information:

FY 2003 Convictions	
Convictions	Number
Child Molesting	571
Vicarious Sexual Gratification	3
Child Solicitation	12
Child Seduction	3
Incest	10
Total	599

Explanation of State Revenues: *Court Fee Revenue:* This bill allows a victim of a sex crime, who was less than 18 years of age at the time of the offense, to commence civil action against an individual who (1) was convicted of a sex crime perpetrated against the victim, or (2) knowingly or intentionally, aided, induced, or caused another person, who was convicted, to commit such a crime against the victim. In addition, the bill allows criminal prosecutions for child sexual abuse to be commenced at any time.

If additional civil actions and criminal prosecutions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed (and \$120 for the filing of a criminal case). 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: The costs associated with this bill will depend on how often evidence concerning child sexual abuse cases becomes available and also how often prosecuting attorneys decide to try these cases. The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

The criminal defendant may also wish to have evidence preserved from a crime scene analyzed by a private laboratory. The costs of this analysis would either be paid by the defendant or by the county if the defendant is indigent.

Current numbers pertaining to individuals that would fall under the requirements of this bill are unknown. Any increase in expenditures for local governments will be dependent on local action.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions or criminal prosecutions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil filing fee (\$120 for the filing of a criminal case) that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial Courts, Prosecuting Attorneys.

Information Sources:

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